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John L. Rogitz Rogitz & Associates 750 B. Street, Suite 3120 San Diego, CA 92101

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OFFICE OF PETITIONS

In re Application of

Duncan, et al.

: DECISION GRANTING PETITION

: UNDER 37 CFR 1.137(b)

Application No. 09/829,249

Filed: April 9, 2001

Atty. Dkt. No.: ARC920010027US1

This decision is in response to the petition under 37 CFR 1.137(b), filed April 4, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned December 28, 2005 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed September 27, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 29, 2006.

A grantable petition under 37 CFR 1.137(b) requires submission of: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown Petitions Attorney Office of Petitions